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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerald A. GUTER, et al.

Title: BIO DEGRADATION OF
OXYANIONS SUCH AS
PERCHLORATE ON ION
EXCHANGE RESINS

Appl. No.: 10/789,436

Filing Date: 2/26/2004

Examiner: Not yet assigned

Art Unit: Not yet assigned

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p>_____ Esther Lily C. Esquerro (Printed Name)</p> <p>_____ <i>Esquerro</i> (Signature)</p> <p>_____ June 1, 2004 (Date of Deposit)</p>

PETITION UNDER 37 C.F.R. § 1.53(b) TO OBTAIN ORIGINAL FILING DATE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A dated returned receipt postcard (a copy of which is enclosed) was received from the U.S. Patent and Trademark Office on March 8, 2004. It lists a wrong filing date. Applicants respectfully petition that the original filing date of the above-referenced application be corrected to February 26, 2004. The postcard incorrectly lists a filing date of February 27, 2004, instead of the correct filing date of February 26, 2004.

Applicants respectfully submit that all items required for a complete application under 37 C.F.R. § 1.53(b) were filed in the Patent and Trademark Office on February 26, 2004 by Express Mail. In particular, the following documents are enclosed, which indicate that the application papers were filed by Express Mail on February 26, 2004.

- 1) a copy of the Utility Patent Application Transmittal dated on February 26, 2004 by submitting agent and including a date of deposit below the Express Mail Label


No. ER 828471956 US indicating that the paper was deposited with the United States Postal Service Express Mail service on February 26, 2004;

- 2) a copy of the Express Mail Label deposited with the United States Postal Service including a postmark of February 26, 2004; and
- 3) a copy of the dated and returned receipt dated postcard deposited with the Patent and Trademark Office to indicate what was filed and received the USPTO. This was dated by the Applicant on February 26, 2004 and deposited on February 26, 2004, but which incorrectly stamped February 27, 2004 by the USPTO.

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Accordingly, Applicants submit that the filing date of February 26, 2004, is the correct filing date. In view of the February 26, 2004 postmark on the Express Mail label and the February 26, 2004 certificate of mailing, Applicants respectfully request that the correct filing date of February 26, 2004 be granted in the above-referenced patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

By 

Date: May 26, 2004

FOLEY & LARDNER LLP
Customer Number: 38706
Telephone: (650) 856-3704
Facsimile: (650) 856-3710

William H. Benz
Attorney for Applicant
Registration No. 25,952